

REMARKS

In view of the following discussion and amendments to the claims, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 103(a). Thus, the Applicants believe that all of the presently pending claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues resulting in adverse action in any of the claims now pending in the application, Applicants request that the Examiner telephone Mr. Gregory Discher, Esq. at telephone number (202) 662-5485 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Support for the amendments to the claims is found at least in paras. [0016], [0017], [0018], [0019], [0032], [0037] and [0039] of Applicants' specification.

Claims 1-7 and 9-69 remain pending.

Applicants note that the Examiner has withdrawn the rejection of claims 1-69 as being anticipated under 35 U.S.C. § 102(e) over U.S. Publication 2006/0277453 to Smith et al. as set forth in the Office Action dated March 17, 2009. In response to Applicants' amendment filed on June 16, 2009, the Examiner in the most recent and current Office Action dated September 1, 2009, now rejects claims 1-69 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,260,011 to Heckerman et al. ("Heckerman") in view of U.S. Publication 2002/0122078 to Markowski ("Markowski").

Rejection of Claims 1-69 Under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 1-69 under 35 U.S.C. § 103(a) over Heckerman in view of Markowski. The claims of the present invention recite features that are not disclosed or suggested in Heckerman or Markowski.

For example, claim 1 is directed, at least in part, to “a storage medium comprising security disclosure data in an audio format and a visual format comprising video data,” and a processor for inserting a third marker in said visual data in a position corresponding to at least one of the first marker location in the audio data and the second marker location in the text. Each of independent claims 39, 58 and 60 recite, inter alia, “video data.”

Applicants do not find that the systems and methods disclosed in Heckerman and Markowski are directed to “video data” applications. Accordingly, the combination of Heckerman and Markowski cannot possibly factually support a prima facie case of obviousness as required by MPEP Section 2142.

On page 4 of the Office Action, the Examiner cites Column 13, lines 35-55 of Heckerman with regard to the “wide variety of other applications” that the system disclosed in Heckerman can be used in. For the Examiner’s convenience, Column 13, lines 35-55 of Heckerman are provided below:

A wide variety of other formats for the set **412** of synchronized audio and text data generated in accordance with the present invention are also possible. For example, the synchronized audio and text data could be stored in a single file with links, e.g., pointers, synchronizing portions of the audio and text data which have been found to correspond to each other.

While the above information has been described primarily in terms of its ability to be used to synchronize audio and text data corresponding to literary works, it is to be understood that it can also be used in a wide variety of other applications where audio and text data representing different expressions of the same information need to be synchronized. Accordingly, the methods of the present invention can be used, e.g., to synchronize transcripts of audio information with the audio version of the information.

Various exemplary embodiments have been described above. In view of the description provided above, various modifications will be apparent to those skilled in the art without deviating from the inventive teachings described and claimed herein.

Column 13, lines 35-55 (emphasis added to non-numeric text).

As seen, Column 13, lines 35-55 refers to formats of synchronized audio/text data 412, as shown in Figure 4 of Heckerman below.

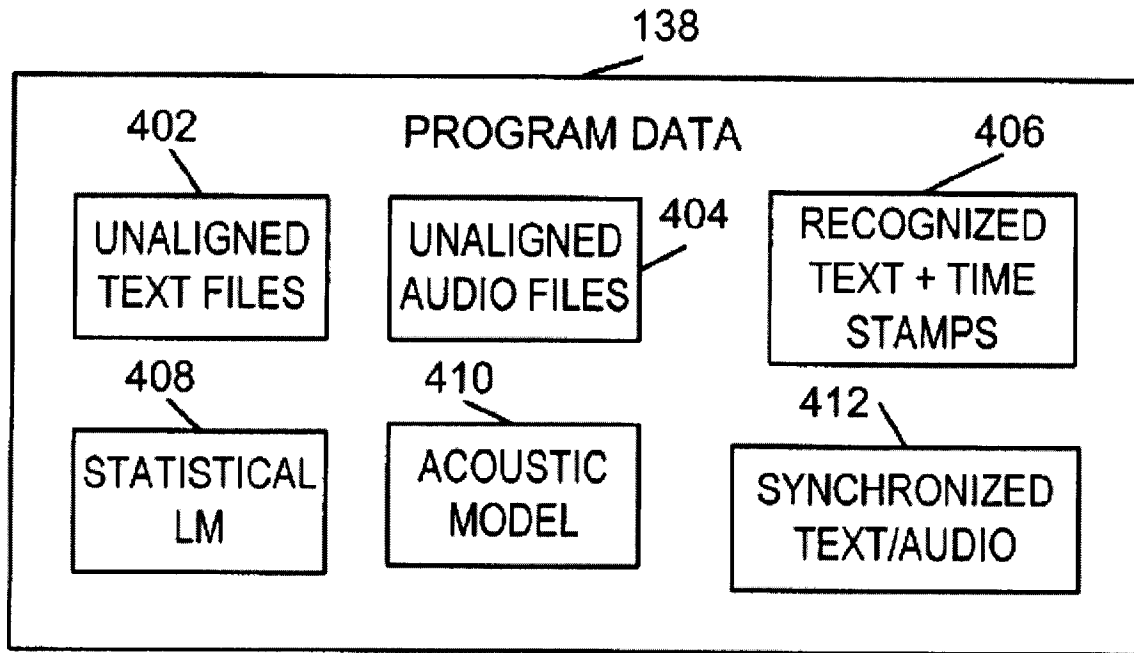


Fig. 4

Applicants do not find that Heckerman discloses “video data,” as recited in each of independent claims 1, 39, 58 and 60. Applicants submit that the use of a format of a single file with links, e.g., pointers, to synchronize audio and text data, as disclosed in Column 13, lines 35-55 of Heckerman, is not, and does not even suggest, the use of “video data,” particularly as recited in Applicants’ claimed invention.

In view of the foregoing, and for at least these reasons, Applicants request that the Examiner withdraw the rejection of claims 1-67 under 35 U.S.C. § 103(a).

Turning now to independent claims 68 and 69, on page 8 of the Office Action, the Examiner states that claims 68-69 “recite similar language found in independent claim 1.”

Claims 68 and 69 are provided below:

68. (Previously Presented). An apparatus, comprising:

a processor for receiving audio security disclosure data at a first time;

said processor configured for creating, without human input, a **summary transcribed text** from the audio security disclosure data and a **complete transcribed text** from the audio security disclosure data, the **summary transcribed text** and the **complete transcribed text** being created during a second time period subsequent to the first time; and

said processor transmitting to a display, in communication with said processor, a selectable connection associated with the **summary transcribed text** and within a first portion of the display, that allows a user to activate the selectable connection and thereby cause the processor to display the **complete transcribed text** within a second portion of the display.

69. (Previously Presented). An apparatus for providing security disclosure data in at least two aligned formats, the apparatus comprising:

a processor for receiving audio security disclosure data at a first time and causing a display monitor to display, without human input, for simultaneous viewing at a second time subsequent to the first time

i) a **first summary text** generated from the audio security disclosure data, and

ii) a **second verbatim text** generated from the audio security disclosure data,

wherein the **summary text** is displayed in a first vertical portion of the display monitor and the **verbatim text** is displayed in a second vertical portion of the display monitor, and

wherein selectively activating the **summary text** causes the corresponding **verbatim text** to be displayed in alignment with the **summary text**.

As seen, claim 68 recites both “summary transcribed text” and “complete transcribed text.” Claim 1 does not recite either “summary transcribed text” or “complete transcribed text,” or equivalent or even related subject matter. The Examiner’s assertion on page 8 of the Office Action that claim 68 recites “similar language found in the rejected independent claim 1” is simply not on point. In view of the foregoing, Applicants believe and urge the Examiner to recognize that presently pending claim 68 merits allowance.

As seen, claim 69 recites both “summary text” and “verbatim text.” Claim 1 does not recite either “summary text” or “verbatim text,” or equivalent or even related subject matter. The Examiner’s assertion on page 8 of the Office Action that claim 69 recites “similar language found in the rejected independent claim 1” is simply not on point. In view of the foregoing, Applicants believe and urge the Examiner to recognize that presently pending claim 69 merits allowance.

In view of the foregoing remarks which underscore the marked differences between the subject matter presented in the claims herein and the overall disclosure of the prior art, it is submitted that the claimed invention is not, and could not, be rendered obvious by Heckerman and/or Markowski. There are too many fundamental differences between the claimed invention and the disclosures of Heckerman and Markowski to possibly arrive at the functionality, operation and combination of features recited in the present invention. Therefore, Applicants believe and urge the Examiner to recognize that the presently pending claims merit allowance.

CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the prior art, as discussed above. However, Applicants do not concede that other features in the claims are also not missing in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

For the reasons advanced above, issuance of a Notice of Allowance is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: February 25, 2010

Respectfully submitted,

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